

City Council Agenda

Council President
Brad Castillo

Councilmembers

Tom Boyajian
Brian Calhoun
Mike Dages
City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch, CMC

Jerry Duncan
Henry T. Perea, Acting President
Cynthia Sterling
City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

JULY 20, 2004

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address.

8:30 A.M. ROLL CALL

Invocation by Rev. Terrie Purgason of the Fresno First Baptist Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

SPCA Pet of the Month – Councilmember Sterling

Special Recognition from United Way for the Best Campaign Team – City Manager's Office

Proclamation of "FRESNO RAGE GIRLS SOFTBALL TEAM DAY" – Councilmembers Boyajian and Calhoun

Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter (***Reception immediately following 2nd floor foyer***)

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Approve minutes of June 29 and July 7, 2004

Action Taken:

Councilmembers Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.)

- A. * Approve authorization to award and execute an agreement with Dale Rutherford, AIA, for consultant services to design, monitor and provide project administration for acoustic treatment of approximately 80 homes for the Fresno Yosemite International Airport FAR PART 150 Noise Compatibility Residential Acoustic Treatment Program locally known as the SMART Program under AIP Grant No. 3-06-0087-45, Phase 8, Bid Group 15-16 – Airports Dept.
Action Taken:
- B. * **RESOLUTION** – 1st amendment to AAR No. 2004-209 appropriating \$209,000 in grant funds from the State of California Integrated Waste Management Board for the Waste Tire Enforcement Program **(Requires 5 affirmative votes)** – Planning and Development Dept.
Action Taken:
- C. * Award a contract to American Paving Co. of Fresno CA for Promenade Parking Lot – General Services Dept./Public Works Dept.
Action Taken:
- D. * **RESOLUTION** – 1st amendment to PAR Resolution No. 2004-210 adding a Phlebotomist position to the Police Dept. – Police Dept.
Action Taken:
- E. **RESOLUTION** – Approving the Final Map of Tract No. 5195 and accepting dedicated public uses therein; authorize Public Works Director and Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
- F. **RESOLUTION** - Of Intention to annex Final Tract No. 5220 to the City of Fresno Community Facilities District No. 2, Annexation No. 71 – Public Works Dept.
Action Taken
- G. Approve Lease Agreement with Valley Air Conditioning & Repair, Inc., for space under the Tuolumne overpass at "G" Street – Public Works Dept.
Action Taken:
- H. * **RESOLUTION** – Authorizing the designation of both the north and south sides of Palo Alto Avenue from N. Milburn Avenue, easterly to the termination of Palo Alto Avenue at cul-de-sac (approximately 1000 ft.) as "No Stopping Anytime of Vehicles Over 6 Feet in Height" zone – Public Works Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- I. Amalgamated Transit Union (ATU):
1. * Adopt the Side Letter Agreement between the City of Fresno (City) and Amalgamated Transit Union, Local 1027, (ATU) bus drivers (Unit 6), to be attached to the current Memorandum of Understanding (MOU) – Personnel Service Dept.
Action Taken:
 2. * RESOLUTION – 1st amendment to Salary Resolution No. 2004-213 amending Exhibit 6
Action Taken:
 3. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno and Amalgamated Transit Union (ATU), Local 1027, bus drivers (Unit 6), covering the period July 1, 2004, through June 30, 2006
Action Taken:
- J. Approval of a request for Conflict of Interest waiver for Tim Jones of the Law Firm of Sagaser, Franson & Jones – City Attorney's Office
Action Taken:
- K. * Award a \$159,000 sole source contract to Megadata Corporation for a Flight Information Display System (FIDS) at the Fresno Yosemite International Airport – Airports Dept.
Action Taken:
1. **RESOLUTION** - Authorizing the Director of Aviation to enter into an Agreement with Megadata Corporation for a Flight Information Display System (FIDS) at the Fresno Yosemite International Airport without advertised competitive bidding
Action Taken:
- L. * Award an interim contract to West Coast Arborists, Inc. for maintenance of municipal trees – Public Works Dept.
Action Taken:
- M. * **BILL – (For introduction)** - Adding Section 4-105 to the Fresno Municipal Code relating to receipt and recording of personal property – Police Department
Action Taken:
- N. * **BILL – (For introduction)** - Amending the text of the Fresno Municipal Code adding "Furrier" to the C-P (Administrative and Professional Office) zone district subject to a Conditional Use Permit – Planning and Development Dept.
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:45 A.M.

<i>PUBLIC COMMENT PERIOD</i> – No Council action except to place on future agenda. <i>Presentation limited to three (3) minutes:</i>
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A. SCHEDULED PUBLIC COMMENT –

1. Appearance by Damien S. Berg, owner of American Body Works to request Council amend the language in the Fresno Municipal Code relating to persons under the age of eighteen requesting treatment in a massage practice
2. Appearance by Jeff A. Jones to discuss a better taxing solution

- B. UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M. **HEARING** regarding Community Facilities District No. 2, Annexation No. 69, Final Tract Map 5281 – Public Works Dept.

Action Taken:

a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 69, Final Tract Map No. 5281

Action Taken:

b. **RESOLUTION** – Calling a special mailed-ballot election

Action Taken:

c. **RESOLUTION** – Declaring election results

Action Taken:

d. * **BILL** – Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 69, Final Tract Map No. 5281

Action Taken:

10:10 A.M. **HEARING** regarding Community Facilities District No. 2, Annexation No. 72, Final Tract Map 5260 – Public Works Dept.

Action Taken:

a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 72, Final Tract Map No. 5260

Action Taken:

b. **RESOLUTION** – Calling a special mailed-ballot election

Action Taken:

c. **RESOLUTION** – Declaring election results

Action Taken:

d. * **BILL** – Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 72, Final Tract Map No. 5260

Action Taken:

10:30 A.M. **HEARING** regarding Resolution of Intention to rescind Resolution No. 2002-146 and order the vacation of Main Street between “N” and “O” Streets, portions of “N” and “O” Streets between Tulare and Main Streets – Public Works Dept.

Action Taken:

a. **RESOLUTION** - Rescinding Resolution No. 2002-146 and Ordering the Vacation of Main Street Between "N" and "O" Streets, Portions of "N" and "O" Streets Between Tulare and Main Streets, a Portion of the "N-O" Alley Between Tulare and Main Streets, a Public Utility Easement in the "N-O" Alley Alignment Between Tulare and Main Streets, and a Public Utility Easement in Outlot "A" of Parcel Map No. 83-46 and Authorizing and Directing the Public Works Director of the City to Execute Quitclaim Deeds so that Fee Title to the Vacated Areas Shall Pass to Civic Center Square

Action Taken:

10:45 A.M. Adopt an amendment to the City of Fresno Deferred Compensation Plan document to modify the composition of the City of Fresno Deferred Compensation Committee based on results of a Council requested survey of plan participants – Retirement Offices

Action Taken:

2:00 P.M.#1 **CONTESTED CONSENT ITEMS**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 PM #2 **CLOSED SESSION**

- A. CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6
City Negotiator(s) Jon Ruiz, Adela Gonzalez, Renee Mayne, Bob LaSala
Employee organizations:
1. City of Fresno Management Employees Association (CFMEA)
 2. Fresno City Employees Association (FCEA)
- Action Taken:**
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Government Code
Section 54956.9, Subdivision (a)
1. **Case Name:** Bakman Water Company, Inc. v. Boeing North American, Inc., City of Fresno, the United States of America, Department of the Army Corps of Engineers, et al.: USDC Case No. CIV F-01—6249 REC DLB
- Action Taken:**

2:00 PM #3 **JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY**

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Government Code
Section 54956.9, Subdivision (a)
1. **Case Name:** Redevelopment Agency of the City of Fresno v. Robert Edwards, Fresno Superior Court Case No. 03CECG00433
- Action Taken:**

2:00 PM #4 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

- 2:30 P.M. HEARING** to consider the Consolidated Plan – Planning and Development Dept.
Action Taken:
1. **RESOLUTION** – Amending the 2001-2004 Consolidated Plan to include Fiscal Year 2005
- Action Taken:**
- 3:45 P.M. HEARING** to consider Rezone Application No. R-02-31, and environmental findings, filed by Scott Ellis Enterprises, for an 18.72-acre parcel of land located on the southwest corner of North Willow and East Alluvial Avenues (***Property located in District 6***) – Planning and Development Dept.
Action Taken:
- a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. R-02-31/R-02-32/C-03-57/C-03-58
- Action Taken:**
- b. **BILL** - Amending the Official Zone Map to rezone from the RR (County) (Rural Residential) zone district to the R-2/UGM (Low Density Multiple Family Residential/Urban Growth Management) zone district
- Action Taken:**
- 3:50 P.M. HEARING** to consider Rezone Application No. R-02-32, and environmental findings, filed by Scott Ellis Enterprises, for a 4.81-acre parcel of land located on the west side of N. Willow Avenue just north of E. Alluvial Avenue (***Property located in District 6***) – Planning and Development Dept.
Action Taken:
- a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. R-02-31/R-02-32/C-03-57/C-03-58
- Action Taken:**
- b. **BILL** – Amending the official Zone Map to rezone from the RR (County) (Rural Residential) zone district to the R-2/UGM (Low Density Multiple Family Residential/Urban Growth Management) zone district
- Action Taken:**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

5:00 P.M. HEARING to consider Plan Amendment Application No. A-03-07, Rezone Application No. R-03-49, and environmental findings, filed by Dirk Poeschel on behalf of WCM Land L.P. and Norman Liddell, for 6.69 acres of land located on the east side of N. Polk Avenue between W. River Vista Drive and the San Joaquin River Bluff Edge (***Property located in District 2***) – Planning and Development Dept.

Action Taken:

- a. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment A-03-07/R-03-49

Action Taken:

- b. **RESOLUTION** - Amending the 2025 Fresno General Plan and the Bullard Community Plan

Action Taken:

- c. **RESOLUTION** - Amending the Sierra Sky Park Land Use Policy Plan

Action Taken:

- d. **BILL** - Amending the Official Zone Map to rezone the property from the AE-20/BP/UGM (Exclusive Twenty Acre Agricultural/Bluff Preservation Overlay/Urban Growth Management) zone district to the R-1/BP/UGM (Single Family Residential/Bluff Preservation Overlay/Urban Growth Management) zone district

Action Taken:

2. GENERAL ADMINISTRATION

- A. Council reconsideration of Fiscal Year 2005 budget line items (Resolution No. 2004-209 Annual Appropriation Resolution) as requested by Mayor Autry on July 2, 2004 (***Requires 5 affirmative votes***)

1. **RESOLUTION NO. 2004-209** - Restoration of \$180,000 for the position of Independent Police Auditor

Action Taken:

2. **RESOLUTION NO. 2004-209** - Allocate funding in the amount of \$35,000 for the Human Relations Commission for programs, cultural events and grant writing

Action Taken:

- B. Consider Council override of line item veto regarding Resolution No. 2004-209 (Annual Appropriation Resolution) as requested by Mayor Autry on July 2, 2004 (***Requires 5 affirmative votes***) – Councilmember Sterling

1. **RESOLUTION NO. 2004-209** – Reduction of \$193,100 for the Human Relations Commission

Action Taken:

- C. Consideration to direct staff to prepare an ordinance that would provide a more comprehensive list of maintenance services than provided for under the existing authority and that allows for the establishment of new Community Facilities Districts for the inclusion of all new developments in the City of Fresno – Public Works Dept.

Action Taken:

- D. Status report CVP water supply contract renewal process regarding proposed contract with United States Department of Interior, Bureau of Reclamation – City Attorney's Office

Action Taken:

3. CITY COUNCIL

SCHEDULED COUNCIL HEARINGS AND MATTERS

July	27 -	9:45 A.M.	CONTINUED HEARING to consider the proposal annual assessments for Landscaping and Lighting Maintenance District (LLMD) No. 1 – Public Works Dept
July	27 -	10:00 A.M.	HEARING re: vacation of a portion of N. Van Ness Avenue between Herndon and Beechwood – R.I. No. 1035-D
July	27 -	10:15 A.M.	JOINT MEETING WITH THE REDEVELOPMENT AGENCY to approve Disposition and Development Agreement (DD&A) with Economic Opportunities Commission
July	27 -	10:30 A.M.	HEARING re: Plan Amendment Application No. A-04-04, Rezone Appl. No. R-04-09, filed by Ciao Properties
July	27 -	10:45 A.M.	HEARING re: Text Amendment No. TA-04-01, to add furrier as a use permitted in the C-P zone district subject to a CUP
July	27 -	10:50 A.M.	HEARING re: Rezone Application No. 03-65, filed by Self-Help Enterprises
July	27 -	11:00 A.M.	HEARING re: Rezone Application No. R-03-65, filed by Self-Help Enterprises
July	27 -	11:00 AM#1	HEARING to consider resolution of public use and necessity for the acquisition of Permanent easement and right of way for public street purposes from parcels of real property located at the intersection of Shaw and Cedar Avenues
July	27 -	11:00 AM#2	Presentation by PG&E and Mayor's Office regarding "Fresno Energy Fitness Program"
July	27 -	2:45 P.M.	HEARING to consider Rezone Application No. R-04-17, filed by Yamabe and Engineering on behalf of Lennar Homes Inc./Cambridge Homes – Planning and Development
July	27 -	3:00 P.M.	WORKSHOP re: Power General Alternatives – Dept. of Public Utilities and Acting President Perea
July	27 -	3:30 PM#1	HEARING re: amending the MFS re: to increasing the traffic signal impact fee – Public Works Dept.
July	27 -	3:30 PM#2	HEARING re: increasing development impact fees for major streets, bridges, neighborhood parks ad water and sewer – Public Works Dept.
July	27 -	4:00 P.M.	WORKSHOP re: water rights – Dept. of Public Utilities
July	27 -	5:00 PM#1	HEARING re: Plan Amendment Appl. No. A-03-20, Rezone Appl. No. R-03-82, filed by Ciao Properties
July	27 -	5:00 PM#2	Funding the FUSD music program through City funds currently going to after school program – Council President Castillo
July	27 -	5:00 PM#3	City's response to the high Speed Rail Environmental Impact Report – Public Works Dept.
Aug.	3 -	NO MEETING – COUNCIL VACATION	
Aug.	10-	NO MEETING – COUNCIL VACATION	
Aug.	17 -	9:30 A.M.	Resolution in support of Americans for National Parks – Acting President Perea
Aug.	17 -	10:00 A.M.	HEARING re: R-04-024, filed by Southern California Presbyterian Homes
Aug.	17 -	10:15 A.M.	HEARING re: R-04-20, CUP No. C-03-089, filed by Logan and Associates on behalf of Spalding Wathen
Aug.	17 -	2:30 P.M.	HEARING re: Urban forest – PR&CS Dept. and Public Works Dept.
Aug.	17 -	4:30 P.M.	HEARING re: Fresno Planning Commission decision re: CUP Appl. No. C-02-226, filed by Wilkins Enterprise
Aug.	24 -	10:00 A.M.	HEARING re: CFD No. 2, Annexation No. 71, Final Tract Map No. 5220
Aug.	24 -	2:30 P.M.	WORKSHOP re: Bike Advisory Committee – Public Works Dept.
Aug.	31 -	10:00 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 73, Tract No. 5137
Aug.	31 -	10:00 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 74, Tract No. 5233
Sept.	7 -	NO MEETING – COUNCIL VACATION	
Sept.	14-	NO MEETING – COUNCIL VACATION	

FUTURE WORKSHOPS (Dates to be determined)

JOINT WORKSHOP regarding Caltrans and City Partnership – Public Works and Planning and Development Dept.

WORKSHOP re: ADA Advisory Council – Public Works Dept. (1 hour)